

2855
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 98,609)

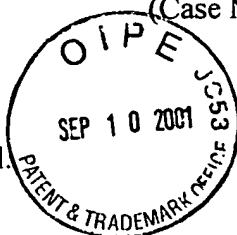
In the Application of:

Peshkin, et al.

Serial No.: 09/307,357

Filed: May 7, 1999

For: METHOD AND APPARATUS
FOR FORCE SENSORS



Examiner: J. Thompson

Group Art Unit: 2855

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:
 - a. Transmittal Letter.
 - b. Petition to Withdraw Holding of Abandonment.
 - c. Copy of Office Action Summary dated December 12, 2000.
 - d. Copy of Notice of References Cited.
 - e. Copy of Interview Summary.
 - f. Copy of Detailed Action, dated December 7, 2000.
 - g. Copy of Response to December 12, 2000 Office Action, dated June 12, 2001.
 - h. Copies of Petition for Extension of Time under 37 CFR 1.136(a), Response to Office Action, Return Receipt Postcard, Petition Fee check for \$445.00, and stamped Return Receipt Postcard, dated June 14, 2001.
 - i. Return Receipt Postcard.

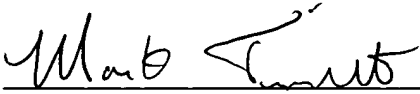
2. With respect to additional fees:

- X A. No additional fee is required.
- B. Attached is a check in the amount of \$.

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3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 31st day of August, 2001.

Date: August 31, 2001

By: 
Mark W. Triplett
Registration No. P-49,002



#7/Pet. to
WD/Aban.
PATENT
2/20/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,609)

In the Application of:)
)
Peshkin, et al.)
)
Serial No.: 09/307,357 ✓)
)
Filed: May 7, 1999)
)
For: METHOD AND APPARATUS)
FOR FORCE SENSORS)

Examiner: J. Thompson

Group Art Unit: 2855

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR 1.81(a), Applicants respectfully petition to request withdrawal of holding of abandonment for the above-mentioned patent application. On June 12, 2001, Applicants' timely filed a response with a 3-month shortened statutory period and Petition for 3-months extension to the Office Action of December 12, 2000.

Applicants' representative by his signature below attests on a personal knowledge basis to the timely mailing, and that this Petition to withdrawal holding of abandonment is made without undue delay. Enclosed with this Petition is an additional copy of the previously mailed correspondence including a copy of the Office Action, Response to the Office Action, Petition for Extension of Time under 37 CFR 1.136(a) and check, Return Receipt Postcard and the Returned Receipt Postcard from the USPTO, and Transmittal letter including the Certificate of Mailing under 37 CFR 1.8.

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SPECIAL PROGRAM CENTER

Dated: August 31, 2001

Respectfully submitted,

Mark W. Triplett

Mark W. Triplett
Registration No. P-49,002



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/307,357 05/07/99 PESHKIN

M 98.609

EXAMINER

020306 MM01/1212
MCDONNELL BOEHLEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
CHICAGO IL 60606

ART UNIT

PAPER NUMBER

DATE MAILED:

12/12/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

DOCKETED

DEC 18 2000

DUE DATE: 3/12/01

BY: K.B. AB

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Office Action Summary

Application No.
09/307,357

Applicant(s)
Peshkin et al

Examiner
Jewel Thompson

Group Art Unit
2855



☒ Responsive to communication(s) filed on May 7, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) 20-24 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19, 25, and 26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Notice of References Cited

Application No.
09/307,357

Applicant(s)

Peshkin et al

Examiner
Jewel Thompson

Group Art Unit
2855

Page 1 of 1

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	6,033,309	3/7/2000	Couch et al.	463	38
B	5,451,852	9/19/1995	Gusakov	318	611
C	6,004,134	12/21/1999	Marcus et al.	434	45
D	5,831,554	11/3/1998	Hedayat et al.	341	20
E					
F					
G					
H					
I					
J					
K					
L					
M					

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X		



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Page 2
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DETAILED ACTION

I. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-19, 25 and 26 are, drawn to a force sensor, classified in class 73, subclass 862.53.
- II. Claims 20-24, drawn to an optical system and method, classified in class 250, subclass 200.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions was of applying and measuring force, one mechanical and the other optical.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with George Lee on December 7, 2000 a provisional election was made without traverse to prosecute the invention of a force sensor measuring applied forces, claims 1-19, 25 and 26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 20-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Art Unit: 2855

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: In claim 1, there is no structural connection between the readout mechanism and the force sensor.

Art Unit: 2855

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Couch et al. (6,033,309).

Couch et al teaches the aspects of the claimed invention, a force sensor measuring applied forces, comprising:

a first member (22);

a second member, wherein the first member is positioned nearby to the second member (20);

a flexure (16), the flexure connecting the first member and the second member, wherein the flexure, supports the first member with respect to the second member and allows the first member to move relative to the second member along two axes (fig.s 1-3);

a readout mechanism measuring the displacement of the first member relative to the second member, wherein the applied forces are determined from the displacement of the first member relative to the second member (col. 2, lines 5-21);

the first member comprises an inner member and the second member comprises an outer member (fig. 2);

Art Unit: 2855

the readout mechanism comprises an optical electronic device (col. lines 5-21);
a graspable handle (14), the graspable handle connected to the first member (figs. 1 and 2);
the handle is integrally formed with the first member (fig. 3);

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couch et al. (6,033,309) in view of Gusakov (5,451,852).

Couch et al. teaches the aspects of the claimed invention except the readout mechanism comprises an inductive readout device. Gusakov teaches a joystick which comprises two transducer which are inductive transducers and are used to measure force. It would have been obvious to one skilled in the art at the time that the invention was made to have used the inductive

Art Unit: 2855

transducers of Gusakov in the device of Couch et al. in order to measure the force applied to the joystick.

The claim methods 25 and 26 have been rejected. The method here is nothing more than using the apparatus of the instant invention. Accordingly, the method claims are rejected for the same reasons.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,004,134 Marcus et al. teaches an interactive simulation including force feedback
5,831,554 Hedayat et al. teaches an angular position sensor for pivoted control devices

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jewel Thompson at (703) 308-6726. The examiner can normally be reached on Mon-Fri. From 8:00am to 4:30pm. The fax phone number for this Group 703-308-7722. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Fuller, can be reached on (703) 308-0079.


jvt

December 7, 2000





Interview Summary

Application No.
09/307,357

Applicant(s)
Peshkin et al

Examiner
Jewel Thompson

Group Art Unit
2855



All participants (applicant, applicant's representative, PTO personnel):

(1) Jewel Thompson

(3) _____

(2) George Lee

(4) _____

Date of Interview Dec 7, 2000

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed: 1-26

Identification of prior art discussed:

none

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Restriction/Election was elected by the applicant's representative. See paper no. 4

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Peshkin, et al.

Serial No.: 09/307,357

Filing Date: May 7, 1999

For: METHOD AND APPARATUS
FOR FORCE SENSORS



(Case No. 98,609)

Examiner: J. Thompson

Group Art Unit: 2855

TRANSMITTAL LETTER

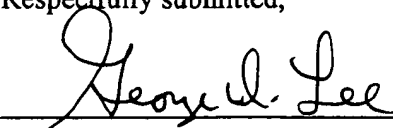
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Petition for Extension of Time under 37 CFR 1.136(a)
 - b) Response to Office Action
 - c) Return Receipt Postcard
2. With respect to fees:
 - a) A check in the amount of \$445.00 is enclosed.
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on June 12, 2001.

Respectfully submitted,


George I. Lee
Registration No. 39,269

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

ADDRESS TO:

Commissioner for Patents
Washington, D.C. 20231

Attorney Docket No.: 98,609
Application No.: 09/307,357
USPTO Confirmation No.:
Filing Date: 05/07/99
First Named Inventor: Michael A. Peshkin
Group Art Unit: 2855
Examiner: J. Thompson

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application to and including June 12, 2001.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- | | | |
|-------------------------------------|----------------------------------|----------|
| <input type="checkbox"/> | One Month (37 CFR 1.17(a)(1)) | \$ |
| <input type="checkbox"/> | Two Months (37 CFR 1.17(a)(2)) | \$ |
| <input checked="" type="checkbox"/> | Three Months (37 CFR 1.17(a)(3)) | \$890.00 |
| <input type="checkbox"/> | Four Months (37 CFR 1.17(a)(4)) | \$ |
| <input type="checkbox"/> | Five Months (37 CFR 1.17(a)(5)) | \$ |

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$445.00.

☒ A check in the amount of the fee is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Deposit Account Number 13-2490. I have enclosed a duplicate copy of this sheet.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name George I. Lee
Reg. No. 39,269

Signature

Date June 12, 2001

EXT (Rev. 1/3/01)

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Hon. Commissioner of
Patents and Trademarks
Re: Applicant - Peshkin et al.

09/307,357

Atty GIL

Case No. 98,609

Method and Apparatus for Force Sensors

Sir:
Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- ☒ Transmittal Letter
- ☒ Petition for Extension of Time under 37 CFR 1.136(a)
- ☒ Response to Office Action
- ☒ Other: Certificate of Mailing

Fee Enclosed

\$ 445.00

Mailed: June 12, 2001

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

29081

**MC DONNELL BOEHNEN
HULBERT & BERGHOFF**
300 S. WACKER DR., 32ND FLOOR
CHICAGO, IL 60606-6701

FIRSTAR BANK, N.A.
70-477-719

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	06/12/01	AS0601
	CHECK AMOUNT	

FOUR HUNDRED FORTY-FIVE AND 00/100 DOLLARS*****

\$*****445.00

Commissioner of Patents

⑈029081⑈ ⑆071904779⑆

Michael D. Hulbert

417079629⑈

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,609)

In re the Application of:

Peshkin, et al.

Filing Date: May 7, 1999

Serial No. 09/307,357

For: **METHOD AND APPARATUS FOR
FORCE SENSORS**

Commissioner for Patents
Washington D.C. 20231



Examiner: J. Thompson

Group Art Unit 2855

TECHNOLOGY CENTER 2800

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RESPONSE TO OFFICE ACTION

In response to the Office Action mailed December 12, 2000, Applicants submit the following remarks. Enclosed herewith is a petition for a 3 month extension of time and the requisite fee.

REMARKS

Applicants affirm the election of Claims 1-19 and 25, 26 which are currently pending in the case. In the Office Action mailed December 12, 2000, the Examiner rejected claims 1-19 under 35 U.S.C. §112 as omitting essential structural cooperation between the readout mechanism and the force sensor.

Claims 1-3, 5 and 6 were rejected under 35 U.S.C. §102 as anticipated by Couch (6,003,309). Claims 4, 25 and 26 were rejected under 35 U.S.C. §103(a) as unpatentable over Couch and further in view Gusakov (5,451,852).

With respect to the rejection under section 112, the readout mechanism is indeed connected to the force sensor through the claim language "wherein the applied forces are determined from the displacement of the first member relative to the second member." The force

sensor of the preamble is for "measuring applied forces" and it is the claimed first and second members that determine the applied forces. Thus, Applicants respectively traverse the rejection under Section 112.

Moreover, because Couch does not teach all the claim limitations, the Applicants respectfully traverse the rejection of Claims 1-19, 25 and 26. Couch does not show the Applicants' claimed flexure 40 as shown in FIG. 3. As shown in FIG. 3 and described on pages 14, line 19 to page 15 line 18, the claimed flexure 40 has a structure of overlapping rectangular strips 70, 72, 74, 76. In contrast, the cited Couch article shows only a conventional spring 16. Thus, Couch does not teach nor suggest all the claimed elements. In addition, because Gusakov does not teach nor suggest the claimed flexure structure, the combination of Couch and Gusakov does not provide all the claimed elements.

For the reasons presented above, the Applicant respectfully traverses the rejections and submits that the presently claimed invention is patentably distinct over the Couch and Gusakov references, whether taken alone or in combination.

CONCLUSION

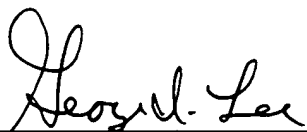
The cited art fails to disclose, teach or suggest, either individually or in combination, all of the limitations of the pending claims. The features of the Applicant's invention are not disclosed, suggested or taught by the cited references.

For the reasons provided above, Applicant submits that all of the pending Claims 1-19 and 25-26 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration.

Respectfully submitted,

**McDONNELL BOEHNEN
HULBERT & BERGHOFF**

Date: 6/12/01

By: 
George I. Lee
Registration No. 39,269

300 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 913-0001
Facsimile: (312) 913-0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 98,609)

In the Application of:

Peshkin, et al.

Serial No.: 09/307,357

Filed: May 7, 1999

For: METHOD AND APPARATUS
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Group Art Unit: 2855

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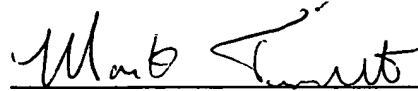
- x A. No additional fee is required.
- B. Attached is a check in the amount of \$.

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4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 31st day of August, 2001.

Date: August 31, 2001

By:



Mark W. Triplett

Registration No. P-49,002

Hon. Commissioner of
Patents and Trademarks

09/307,357

Atty GIL

Applicant - Peshkin et al.

Case No. 98,609

Method and Apparatus for Force Sensors

Sir:

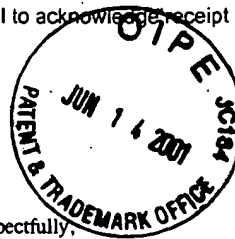
Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- ☒ Transmittal Letter
- ☒ Petition for Extension of Time under 37 CFR 1.136(a)
- ☒ Response to Office Action
- ☒ Other: Certificate of Mailing

Fee Enclosed

\$ 445.00

Jun 1, 2001



Respectfully,

McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant